



WP No.22393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP No.22393 of 2024

and

W.M.P.Nos. 24391 & 24392 of 2024

Swami Karshini Anubhavanand,
Madathipathi of Udasin Bavaji Mutt,
Old No.32H / 33, Nellukara Street,
Big Kancheepuram,
Kancheepuram District.

... Petitioner

-Vs-

1.The District Collector,
Kancheepuram District.

2.The Commissioner,
Kancheepuram City Municipal Corporation,
Kancheepuram Town,
Kancheepuram District.

... Respondents



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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.10945/2024/F1 dated 05.06.2024 on the file of the 2nd respondent and to quash the same and further direct the 2nd respondent to vacate and hand over the vacant possession of the leased premises under Doc.No.3147/1978 dated 09.11.1978 morefully described in the schedule within a stipulated time period fixed by this Court.

For Petitioner	:	Mr. M.Muruganantham,
For R1	:	Mr.N.Naveen Kumar, Government Advocate
For R2	:	R.A.Gopinath, Standing Counsel

ORDER

This writ petition has been filed in a nature of Certiorarified Mandamus, seeking records relating to an order dated 05.06.2024 on the file of the 2nd respondent and quash the same and direct the 2nd respondent to vacate and hand over the vacant possession of the leased premises under Doc.No.3147/1978 dated 09.11.1978.



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2.The writ petitioner, is a mutt situated at Kancheepuram. It is contended that on 09.11.1978, they had entered into a lease handing over possession of the premises in a lease deed registered as Doc. No.3147/1978 to the respondents herein. It is contended that the respondents having taken possession of the land have not been paid the lease amount. The lease was for a period of twenty years, which ended in the year 1998. If there was any breach of the terms of the lease, then the petitioner should have invoked appropriate proceedings to either terminate the lease or demand payment of the lease amount or direct the respondents to pay damages for continuous occupation.

3.In the year 2024, this writ petition has been filed ostensibly in the nature of questioning an order of the 2nd respondent. In the order of the 2nd respondent, which is impugned, it had been stated that the land, which had been sought by the petitioner, is used as Kalaiyarangam and that there are also several buildings and that the general public are using the said land.



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4. My learned predecessor had referred the matter to mediation.

During the course of mediation, it had been contended that the lease was determined. It was also contended that the respondents had handed over possession. Unfortunately, for the petitioner, the petitioner was not able to identify the land and later, when they conducted survey, they found that the land which had been returned back was some other land and not the land mentioned in the lease deed.

5. These are all issues, which are, beyond the scope of the writ Court and I would grant permission to the petitioner, provided the law of limitation is in their favour to initiate appropriate proceedings. This is not a direction that, if any proceedings issued, the limitation period is condoned. That is an issue to be examined only by the Court where the petitioner institutes proceedings. Liberty alone is granted to initiate appropriate alternate proceedings.



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6.With the above observations, this Writ Petition stands dismissed.

No costs. Consequently, Writ Miscellaneous Petitions are closed.

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smv

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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Kancheepuram District.

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